

ED Requires Public Disclosure of CARES Student Grant Use, Inviting Scrutiny for Schools

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In an unexpected announcement, the US Department of Education issued [guidance yesterday directing postsecondary institutions to publicly disclose](#) on their websites detailed information and data on how they allocate emergency student grant funding under the CARES Act's Higher Education Emergency Relief Fund.

To date, ED has stated in guidance and in the Funding Certification and Agreement that institutions would be required to report to ED on their use of funds, and additional guidance on the form of that report is expected via a Federal Register announcement. However, the requirement to issue public disclosures on institutional websites is new and is not expressly required under the CARES Act.

This new public disclosure requirement focuses attention on institutional processes for allocating and documenting the use of HEERF funds. Disclosures must be posted on the institution's primary website, in a format and location easily accessible to the public, within 30 days of the date the institution received its student grant funding allocation. Additionally, they must be updated every 45 days thereafter. Required disclosures include:

1. An acknowledgement that the institution signed and returned to ED the certification agreement for HEERF funding and the assurance that it has used, or intends to use, no less than 50% of its HEERF funding to provide emergency student grants.
2. The total amount of funds the institution will receive or has received from ED for emergency student grants.
3. The total amount of emergency student grants distributed to students as of the date of each disclosure.
4. The estimated total number of students eligible for student grants.
5. The total number of students who have received an emergency student grant as of the date of each disclosure.
6. The institution's methodology used to determine which students receive grants and how much each would receive.
7. Any instructions, directions or guidance provided by the institution to students concerning the grants.

Beyond the procedural challenges of quickly compiling and presenting this information in a clear format for the public, disclosing the allocation data will almost certainly attract scrutiny and questions from students, faculty, student advocates and the media. Schools should carefully consider whether to provide additional explanation or commentary regarding the data they are disclosing and develop communications plans to respond to inquiries in advance of posting the information on their websites.

A Federal Register announcement on a form for reporting to ED is still likely and may require additional information than what is bulleted above. We are monitoring further developments.

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